

Categorical Exclusion-Transmission Line Loop-in / Originally under N-4790

A. Background

NEPA NUMBER: DOI-BLM-NV-S010-2014-0003-CX

On July 2, 1970, Las Angeles Department of Water and Power (LADWP) applied for the Navajo-McCullough Transmission line transmits power from the Navajo Generating Plant at Page, Arizona to the McCullough Switching Station near Boulder City, Nevada. At the McCullough Switching Station, power is delivered to LADWP (48.9 %), Nevada Power Company d/b/a NV Energy (26.1 %), and the Bureau of Reclamation (25%). September 30, 1969 a participation agreement , contract No. 14-06-300-2131, was signed by LADWP, owning 21.2% of the interest, Arizona Public Service Co., owning 14% of the interest, Nevada Power Company, 11.3 % of the interest, Salt River Project Agricultural Improvements and Power District, 46 % of the interest, and Tucson Gas and Electric Company, owning 7.5% of the interest. On October 8, 1970, LADWP advised the Bureau of Land Management (BLM) of their plans to include participating agencies as co-tenants on the right-of-way (ROW) grant.

On May 23, 1972 LADWP was granted the ROW for the 500 KV transmission line. On October 21, 1985 LADWP sent a letter stating the intent to assign the ROW interest to NV Energy and Salt River Project. On December 19, 1985 BLM sent a letter to LADWP requesting additional information and documents needed to process the assignment. The assignment was never finalized.

On December 18, 1996, NV Energy applied for a 500 KV transmission line loop-in for two single-circuit 500kV transmission tapping into existing Navajo-McCullough 500kV transmission line, permitted under N-59499, to the Crystal Substation permitted under N-61363. The projects intent is to provide additional transmission capacity and reliability to the communities and customers in the Las Vegas Valley. On December 4, 1997, the ROW amendment was granted.

On September 5, 2013, NV Energy applied for a ROW grant for the operation and maintenance of transmission line loop-in which was previously granted as an amendment to N-4790, issued December 4, 1997. The projects intent is to provide additional transmission capacity and reliability to the communities and customers in the Las Vegas Valley. The transmission lines consist of two single-circuit 500kV transmission tapping into existing Navajo-McCullough 500kV transmission line, permitted under N-59499, to the Crystal Substation permitted under N-61363. The ROW is 400 ft in width by 1,300 ft in length. A separate grant is needed for the transmission line loop-in, as NV Energy is not a named holder for N-4790. This project and the acreage contained within it have been placed in casefile N-92398.

BLM Office:

Bureau of Land Management
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130

LLNVS01000

Lease/Serial/Case File No.:

N-92398

Proposed Action Title/Type:

ROW grant for the operation and maintenance of transmission line loop-in which was previously granted as an amendment to N-4790, issued December 4, 1997. A separate grant is needed for the transmission line loop-in originally permitted by the amendment to N-4790, as NV Energy is not a named holder for N-4790.

Location of Proposed Action:

Located off N. Las Vegas Blvd. northeast of the Las Vegas Valley and southwest of the Paiute Valley of Fire on the west side of Interstate 15.

LEGAL DESCRIPTION:

M.D.M., Nevada T. 17 S., R. 64 E., sec. 10, SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Description of Proposed Action: Operation and maintenance of a transmission line loop-in, previously granted as amendment to N-4790, December 4, 1997. The transmission line will go into NV energy's existing Crystal Substation, which is currently permitted under N-61363. The transmission lines consist of two single-circuit 500kV transmission tapping into existing 500kV transmission line within a 400 foot wide easement. The ROW is 400 ft in width by 1,300 ft in length. Facilities are existing and no new construction is taking place.

This is a CX per 516 DM 11.9 E. Realty (12) "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-ways."

B. Land Use Plan Conformance

Land Use Plan Name:

Las Vegas Resource Management Plan and final Environmental Impact Statement (RMP), and the Record of Decision for the Approved Las Vegas Resource Management Plan and final Environmental Impact Statement.

Date Approved/Amended:

RMP dated October 5, 1998

The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decision(s) (objectives, terms, and conditions) :

The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision(s):

ROW Management. Objective: RW-1."Meet public demand and reduce impacts to sensitive resources by providing an orderly system of development for transportation, including legal access to private inholdings communications, flood control, major utility transmission lines, and related facilities."

Management Direction. Objective: RW-1-h. "All public land within the planning area, excepted as stated in RW1-c through 1-g, are available at the discretion of the agency for rights-of-way under the authority of the Federal Land Policy and Management Act."

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, or 516 DM 11.9,E. (12)" "Grants of right-of-way wholly within the boundaries of other compatibly developed rights-of-ways."

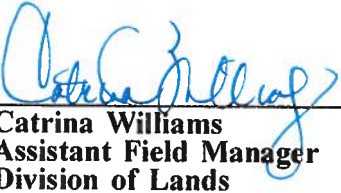
ROW N-4790 was previously granted.

This categorical exclusion is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed, and none of the extraordinary circumstances described in 516 DM 2 apply.

Comments providing substantive new information relevant to the analysis and mitigation measures have been incorporated into the Exhibit A stipulations which are attached to this document.

I have reviewed the plan conformance statement and have determined that the proposed action is in conformance with the approved land use plan and that no further environmental analysis is required.

D. Approval and Contact Information


Catrina Williams
Assistant Field Manager
Division of Lands

12/30/13

Date

Contact Person

Vivian Browning, Realty Specialist
Las Vegas Field Office
4701 N. Torrey Pines Drive
Las Vegas, Nevada 89130
Phone: 702-515-5000

Exhibit A
Stipulations N-92398

1.0 Special Stipulations

- 1.1. The Holder must abide by monitoring, maintenance, and reporting requirements per the Biological Opinion (File No. 1-5-97-F-251). Failure to abide by the terms and conditions of the grant and Biological Opinion could result in temporary suspension of all activities within your ROW area per 43 CFR 2807.16 and 43 CFR 2807.17.
- 1.2. Only roads provided for in casefile N-92319 will be utilized for the access and maintenance the distribution line.

2.0 General Stipulations

- 2.1. The ROW is issued subject to all valid existing rights.
- 2.2. No signs of advertising devices shall be placed on the premises or on adjacent public lands, except those posted by or at the direction of the authorized officer.
- 2.3. The ROW shall be maintained in a sanitary condition at all times. Waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste", as used in this paragraph, shall mean all discarded matter of any kind.
- 2.4. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
- 2.5. Holder shall conduct all activities associated with construction, operation, maintenance, and termination of this ROW within its authorized limits.
- 2.6. Holder shall maintain the ROW in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.
- 2.7. Holder shall maintain copy of the authorization along with stipulations on construction site at all times. In the event that the public land underlying this ROW, encompassed in this grant, or a portion thereof, is conveyed out of Federal ownership and administration of the ROW or the land underlying the ROW is not being reserved to the United States in the patent/deed and/or the ROW is not within a ROW corridor being reserved to the United States in the patent/deed, the United States waives any right it has to administer the ROW, or portion thereof, within the conveyed land under Federal laws, statutes, and regulations, including the regulations at 43 CFR Part [2800][2880], including any rights to have the holder apply to BLM for amendments, modifications, or assignments and for BLM to approve or recognize such amendments, modifications, or assignments. At the time of conveyance, the patentee/grantee, and their successors and assigns, shall succeed to the interests of the United States in all matters relating to the ROW, or portion thereof, within the

conveyed land and shall be subject to applicable State and local government laws, statutes, and ordinances. After conveyance, any disputes concerning compliance with the use and the terms and conditions of the ROW shall be considered a civil matter between the patentee/grantee and the ROW Holder.

- 2.8. Within 90 days of construction completion, the Holder shall provide the Authorized Officer with data in a format compatible with the Bureau's Arc-Info Geographic Information System to accurately locate and identify the ROW:

Acceptable data formats are:

Corrected Global Positioning System files with sub-meter accuracy or better, in UTM NAD 83; Zone 11;

ARCGIS export files on a CD ROM, shapefile, geodatabase.

Data may be submitted in any of the following formats:

ARCGIS interchange, shapefile or geodatabase format.

CD ROM in compressed or uncompressed format.

All data shall include metadata for each coverage, and conform to the Content Standards for Digital Geospatial Metadata Federal Geographic Data Committee standards. Contact the GIS Department at (702) 515-5000.

3.0 Air Quality

- 3.1. The Holder shall not violate applicable air standards or related facility siting standards established by or pursuant to applicable federal, state, or local laws or regulations. The Holder shall be responsible for dust abatement within the limits of the ROW and is responsible for obtaining all necessary permits from appropriate authorities for acceptable dust abatement and control methods (e.g., water, chemicals). The Holder shall be solely responsible for all violations of any air quality permit, law or regulation, as a result of its action, inaction, use or occupancy of the ROW.

Notwithstanding whether a violation of any air quality permit, law or regulation results, the Holder will cooperate with the Authorized Officer in implementing and maintaining reasonable and appropriate dust control methods in conformance with law and appropriate to the circumstances at the sole cost of the Holder.

Ensure a dust control permit is obtained through Department of Air Quality (DAQ) for all soil disturbing activity of .25 acres or greater, in the aggregate, and permit stipulations are in compliance for the duration of the activity. All dust control permit conditions and stipulations must be in compliance for the duration of the project activity. At present, water is the only means by which BLM authorizes dust suppression for construction activities, as well as for operations and maintenance of public land activities known to generate fugitive dust.

Prior to relinquishment, abandonment, or termination of this ROW, the Holder shall apply reasonable and appropriate dust abatement and control measures to all disturbed areas. The abatement and measures shall be designed to be effective over the long-term (e.g., rock mulch or other means) and acceptable to the Authorized Officer.

- 3.2. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.
- 3.3. Fuels/Fire Restrictions: Throughout the life of the ROW, normal conformance with seasonal fire restrictions is required. Specific noncompliant activities may be waived on a case by case basis by a line officer after review and approval by the Fire Management Officer.

4.0 Cultural

- 4.1. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the Holder, or any person working on his behalf on public or Federal lands shall be immediately reported to the Authorized Officer. Holder shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. The Holder will be responsible for the cost of evaluation. Any decision regarding suitable mitigation measures will be made by the Authorized Officer after consulting with the Holder. Holder shall be responsible for the resultant mitigation costs.

5.0 Hazardous Material/Pesticides/Liability

- 5.1. No hazardous material, substance, or hazardous waste, (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, *et seq.*, or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, *et seq.*) shall be used, produced, transported, released, disposed of, or stored within the ROW area at any time by the Holder. The Holder shall immediately report any release of hazardous substances (leaks, spills, etc.) caused by the Holder or third parties in excess of the reportable quantity as required by federal, state, or local laws and regulations. A copy of any report required or requested by any federal, state or local government agency as a result of a reportable release or spill of any hazardous substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved federal, state or local government agency.
- 5.2. The Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the ROW potentially affecting the ROW of which the Holder is aware.
- 5.3. As required by law, Holder shall have responsibility for and shall take all action(s) necessary to fully remediate and address the hazardous substance(s) on or emanating from the ROW.
- 5.4. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer.

The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this ROW

- 5.5. The Holder shall comply with all applicable local, state, and federal air, water, hazardous substance, solid waste, or other environmental laws and regulations, existing or hereafter enacted or promulgated. To the full extent permissible by law, the Holder agrees to indemnify and hold harmless, within the limits, if any, established by state law (as state law exists on the effective date of the right-of-way), the United States against any liability arising from the Holder's use or occupancy of the ROW, regardless of whether the Holder has actually developed or caused development to occur on the ROW, from the time of the issuance of this ROW to the Holder, and during the term of this ROW. This agreement to indemnify and hold harmless the United States against any liability shall apply without regard to whether the liability is caused by the Holder, its agents, contractors, or third parties. If the liability is caused by third parties, the Holder will pursue legal remedies against such third parties as if the Holder were the fee owner of the ROW.

Notwithstanding any limits to the Holder's ability to indemnify and hold harmless the United States which may exist under state law, the Holder agrees to bear all responsibility (financial or other) for any and all liability or responsibility of any kind or nature assessed against the United States arising from the Holder's use or occupancy of the ROW regardless of whether the Holder has actually developed or caused development to occur on the ROW from the time of the issuance of this ROW to the Holder and during the term of this ROW.

- 5.6. All mineral materials need to be used on site within the ROW or stockpiled on site for disposal by the BLM. If mineral materials are stockpiled on site for future disposal by the BLM, a mineral material contract, free use permit or material site ROW must be issued by the BLM.

If federally owned mineral materials need to be imported for the development of the proposed action, a specific BLM use authorization in accordance with the regulations at 43 CFR 3600, must be obtained from the BLM prior to the importing and use of those mineral materials.

6.0 Survey Monuments

- 6.1. Holder shall protect all survey monuments found within the authorization area. Survey monuments include, but are not limited to, General Land Office and Bureau of Land Management Cadastral Survey Corners, reference corners, witness points, U.S. Coast and Geodetic Survey benchmarks and triangulation stations, military control monuments, and recognizable civil (both public and private) survey monuments. If any of the above are to be disturbed during operations, the holder shall secure the services of a Professional Land Surveyor or Bureau cadastral surveyor to perpetuate the disturbed monuments and references using surveying procedures found in the Manual of Instructions for the Survey of the Public Lands of the United States and Nevada Revised Statutes, Chapter 329, Perpetuation of Corners. The holder shall record such survey in the appropriate county and send a copy to the authorized officer. If the Bureau cadastral surveyors or other Federal surveyors are used to restore the disturbed survey monuments, the holder shall be responsible for the survey cost.

7.0 Vegetation/Noxious Weeds/Land surface/Soil/Water/Riparian/Woodland/Forestry

- 7.1. There are no conflicts with any T/E plant species. Cactus and Yucca may be present within the project impact area. Cactus and yucca are considered government property and are regulated under

the Nevada BLM forestry program. To the extent practical, cacti and yucca within the project area should be avoided by this action. If cactus and yucca are unable to be avoided, due to the small amount of disturbance associated with this project, impacts would be considered negligible.

If unable to be avoided, all cactus and yucca within permanent and temporary impact areas must be salvaged and replanted in temporary impact areas or undisturbed portions of the project area. Unless otherwise directed by the BLM botanist, all replanted cactus and yucca must be watered and otherwise maintained for a period of one year. To ensure successful salvage and transplant, all cactus and yucca must be salvaged using a contractor (or other approved by the BLM botanist) with at least three years experience salvaging and maintaining plant materials in the Mojave or Sonoran Deserts.

- 7.2. The Holder shall be responsible for weed control on disturbed areas within the limits of the ROW. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the ROW stipulations.

The project proponent will limit the size of any vegetation and/or ground disturbance to the absolute minimum necessary to perform the activity safely and as designed. The project proponent will avoid creating soil conditions that promote weed germination and establishment.

The project proponent will begin project operations in weed free areas whenever feasible before operating in weed-infested areas.

- 7.3. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
- 7.4. Land surface treatment for areas previously undisturbed: Strip the top three to six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction will be salvaged and transplanted out of harm's way but still within the ROW. At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.
- 7.5. Soil/Water/Riparian: If work is to occur in Ephemeral channels, need to consult with Army Corp of Engineers (ACOE) and Nevada Department of Environmental Protection (NDEP). If drilling boreholes, holder needs to follow Nevada Administrative Code (NAC) protocols for drilling.

8.0 Visual Resources

- 8.1. The proposed action is in VRM Class III, which aims to partially retain the existing character of the landscape. Levels of change to the landscape can be moderate, but should not dominate the view of the casual observer. Since the proposed action is adjacent to existing developments, it is not expected to dominate the view of the casual observer. Please ensure that change repeats the basic elements of form, line, color, and texture found in the natural landscape to the extent practical.

9.0 Migratory Birds

- 9.1. To prevent undue harm, habitat-altering projects or portions of projects should be scheduled outside bird breeding season. In upland desert habitats and ephemeral washes containing upland species, the season generally occurs between March 1 – August 1st.
- 9.2. If a project that may alter any breeding habitat has to occur during the breeding season, then a qualified biologist must survey the area for nests prior to commencement of construction activities. This shall include burrowing and ground nesting species in addition to those nesting in vegetation. If any active nests (containing eggs or young) are found, an appropriately-sized buffer area must be avoided until the young birds fledge.

10.0 Threatened, Endangered or Candidate Animal Species

- 10.1. The Holder will comply with the terms and conditions of the Biological Opinion for this project on file at the Bureau of Land Management, Las Vegas Field Office. Sec. 7 Log # NV-052-14-029. This project is an administrative action to remove a previously granted ROW amendment under case file N-4790. The above action was previously analyzed in casefile number: N-4790. Tortoise remuneration fees have been assessed from the previous analysis. Existing comments, along with terms and conditions from the previous analysis remain in effect. A copy of the previous terms and conditions from the previous analysis is attached.

COPY

Copy of previous terms and conditions. Proponent shall be aware and comply with the attached stipulation previously attached to an amendment in casefile N-4790.

**Exhibit A
Stipulations**

1. Within the population areas avoid putting up towers, pads, spur roads, etc., and also avoid any repeat driving across the habitat.
2. The vegetation is to be minimally disturb during the construction, drive over vegetation - do not scape, blade, or remove vegetation. **This stipulation applies for the entire scope of this project.** Do not build permanent roads or spur roads, use existing roads.
3. Sandy areas are to be avoided, should it become absolutely impossible to avoid those areas where the Three-cornered milkvetch occurs, the soil from the disturbed site must be stockpiled and carefully replaced onto the exact site when the project is completed.
4. Prior to construction in the Southeast Quarter (SE $\frac{1}{4}$) of Section 20 and the Northwest Quarter (NW $\frac{1}{4}$) of Section 29, Township 17 South, Range 64 East, M.D.M., Nevada, a Bureau of Land Management Botanist is to be on site. At least one week notice to the Botanist prior to construction start date in necessary.
5. Holder shall mark the exterior boundaries of the ROW with stake and/or lath at 100 to 200 foot intervals. The intervals may be varied at the time of staking at the discretion of the Authorized Officer. The tops of the stakes and/or laths will be painted and the laths flagged in a distinctive color as determined by the Holder. Holder shall maintain all boundary stakes and/or laths in place until final cleanup and restoration is completed.
6. Holder shall conduct all activities associated with construction, operation, and termination of this right-of-way within its authorized limits.
7. Land surface treatment for areas previously disturbed: Following excavation, trenches will be backfilled with the excavated soil. The soil will be distributed and contoured evenly over the surface of the disturbed area. The soil surface will be left rough to help reduce potential wind erosion.
8. Land surface treatment for areas previously undisturbed: Strip the top six inches of soil material with associated plant material over all surfaces to be disturbed by construction. Stockpile this material along the course of construction (inside the right-of-way). At the conclusion, including trench backfilling and compaction, replace the stockpiled soil with plant debris uniformly back on the surface of the disturbed area.
9. Holder shall not violate applicable air and water quality standards or related facility siting standards established by or pursuant to applicable Federal and State law.

The Holder shall furnish and apply water, chemicals (with prior approval of the Authorized Officer) or use other means satisfactory to the Authorized Officer for dust control.

10. In order to be exempt from the prohibitions of section 9 of the Act, the applicant must comply with the following terms and conditions, which implement the reasonable and prudent measures described below. These terms and conditions are non-discretionary.

11. Measures shall be taken to minimize take of desert tortoises due to project-related activities.

- a. A qualified tortoise biologist shall present a tortoise-education program to all foremen, workers, and other employees working on the project. The program will include information on the life history of the desert tortoise, legal protection for desert tortoises, penalties for violations of Federal and State laws, general tortoise activity patterns, reporting requirements, measures to protect tortoises, terms and conditions of this biological opinion, and personal measures employees can take to promote the conservation of desert tortoises. The definition of "take" will also be explained. Specific and detailed instructions will be provided on the proper techniques to capture and move tortoises which appear onsite, in accordance with Service-approved protocol. Currently, the Service-approved protocol is Desert Tortoise Council 1994, revised 1996. Workers will be encouraged to carpool to and from project sites.
- b. A speed limit of 25 miles per hour shall be required for all vehicles on the project site and unposted dirt access roads.
- c. During construction activities, tortoise burrows should be avoided whenever possible. If a tortoise is found onsite during project activities which may result in take of the tortoise (e.g., in harms way), such activities shall cease until the tortoise moves, or is moved, out of harms way. The tortoise shall be moved by a qualified tortoise biologist. All workers will also be instructed to check underneath all vehicles before moving such vehicles. Tortoises often take cover under vehicles.
- d. The project shall require a tortoise biologist onsite during construction activities. Unless the area is fenced and cleared, the project will require an onsite biologist during construction of the project during the tortoise active period (March 1 through October 31), and a biologist on call during the tortoise inactive period (November 1 through February 28/29).
- e. The Bureau must approve the selected consulting firm/biologist to be used by the applicant to implement the terms and conditions of this biological opinion or permit issued by the Bureau. Any biologist and/or firm not previously approved must submit a curriculum vitae and be approved by the Bureau before authorized to represent the Bureau in meeting compliance with the terms and conditions of this biological opinion. Other personnel may assist with implementing mitigation measures, but must be under direct field supervision by the approved qualified biologist.

In accordance with *Procedures for Endangered Species Act Compliance for the Mojave Desert Tortoise* (Service 1992), a qualified desert tortoise biologist should possess a bachelor's degree in biology, ecology, wildlife biology, herpetology, or closely related fields as determined by the Bureau. The biologist must have demonstrated prior field experience using accepted resource agency techniques to survey for desert tortoises and tortoise sign, which should include a minimum of 60 days field experience. All tortoise biologists shall comply with the Service-approved handling protocol (Desert Tortoise Council 1994, revised 1996) prior to conducting tasks in association with terms and conditions of this biological opinion. In addition, the biologist shall have the ability to recognize and accurately record survey results.

- f. All project areas including construction sites, access routes, staging areas, and fencelines, will be cleared by a qualified biologist before the start of construction or ground disturbance. The parcel shall be surveyed for desert tortoise using survey techniques which provide 100-percent coverage. During the tortoise active season, the preconstruction clearance shall be no more than 3 days before initiation of construction. During the tortoise inactive season, the preconstruction clearance shall be within 5 days before work begins.
- g. Desert tortoises encountered experiencing heat stress will be placed in a tub, by a qualified tortoise biologist, with one inch of water in an environment with a temperature between 76 degrees F and 95 degrees F for several hours, until heat stress symptoms are no longer evident.
- h. Tortoises and nests found shall be relocated by a qualified tortoise biologist in accordance with Service-approved protocol (Desert Tortoise Council 1994, revised 1996). Burrows containing tortoises or nests will be excavated by hand, with hand tools, to allow removal of the tortoise or eggs.
- i. Tortoises that are moved offsite and released into undisturbed habitat on public land, must be placed in the shade of a shrub, in a natural unoccupied burrow similar to the hibernaculum in which it was found, or in an artificially constructed burrow in accordance with Desert Tortoise Council (1994, revised 1996).
- j. Desert tortoises moved during the tortoise inactive season or those in hibernation, regardless of date, must be placed into an adequate burrow; if one is not available, one will be constructed in accordance with Desert Tortoise Council (1994, revised 1996). During mild temperature periods in the spring and early fall, tortoises removed from the site will not necessarily be placed in a burrow.
- k. All new substations will be fenced with a temporary tortoise proof fence. Following construction of the substation, the final chain-link fence is required to be tortoise proof. Fenced areas will require an initial tortoise clearance of the fenceline prior to fence construction, and a tortoise clearance following fence construction. Project sites to be fenced with permanent tortoise-proof

fencing must be fenced prior to the commencement of surface disturbance activities within the project site. Fencing will consist of 1-inch horizontal by 2-inch vertical mesh. The mesh will extend at least 18 inches above ground and, where feasible, 6 inches below ground. In situations where it is not feasible to bury the fence, the lower 6-12 inches of the fence shall be bent at a 90-degree angle towards the potential direction of encounter with tortoise and covered with cobble or other suitable material to ensure that tortoise or other animals cannot dig underneath, thus creating gaps through which tortoises may traverse. The height of tortoise-proof fencing will be a minimum of 18 inches above ground. The fence shall be inspected, and zero clearance maintained between the bottom of the fence and the ground.

- l. If fence construction occurs during the tortoise active season, a qualified tortoise biologist shall be onsite during construction of the tortoise-proof fence to ensure that no tortoises are harmed. If the fence is constructed during the tortoise inactive season, a biologist will thoroughly examine the proposed fenceline and burrows for the presence of tortoises no more than 5 days before construction. Any desert tortoises or eggs found in the fenceline will be relocated offsite by a qualified tortoise biologist in accordance with approved protocol. Tortoise burrows that occur immediately outside of the fence alignment that can be avoided by fence construction activities shall be clearly marked to prevent crushing.

Following Fence Construction: Prior to the commencement of project activities, all desert tortoises shall be removed from the site. A qualified biologist shall oversee the survey for and removal of tortoises using techniques providing 100-percent coverage of all areas. Two complete passes of 100-percent coverage will be accomplished. All desert tortoise burrows, and other species burrows which may be used by tortoises, will be examined to determine occupancy of each burrow by desert tortoises. Tortoise burrows shall be cleared of tortoises and eggs, and collapsed. Any desert tortoises or eggs found in the fenced area will be removed under the supervision of a qualified tortoise biologist in accordance with Service protocol.

- m. After a project has been fenced and a tortoise clearance completed, if the operator encounters a desert tortoise in imminent danger, the operator shall move the tortoise out of harm's way and on to adjacent Bureau land. If the tortoise cannot be avoided or moved out of harm's way onto Bureau land, it shall be placed in a cardboard box or other suitable container and held in a shaded area until the Clark County pickup service or Bureau personnel can retrieve the tortoise.
- n. The operator shall inspect the fencing at least on a quarterly basis, to insure that it is in compliance with the standards described above, and shall perform maintenance when needed including removing trash, sediment accumulation, and other debris. Temporary fencing shall be removed at the end of the construction activity. Permanent fencing may be removed upon termination

o. Where the Bureau allows or requires the installation of a temporary tortoise-proof fence, the fence shall include as much of the proposed construction site as feasible. This may in some cases require the installation of temporary fencing along access routes. Typical fence design should consist of 1-inch mesh or 1-inch horizontal by 2-inch vertical mesh (hardware cloth or plastic) and be installed flush with ground and extend at least 18 inches above ground. Temporary tortoise-proof fencing should not be buried.

- A litter-control program shall be implemented, by the applicant, to minimize predation on tortoises by ravens drawn to the project site. This program will include the use of covered, raven-proof trash receptacles, removal of trash from the construction site to the trash receptacles following the close of each work day, and proper disposal of trash in a designated solid waste disposal facility. Vehicles hauling trash to the landfill and leaving the landfill must be secured to prevent litter from blowing out along the road.

- Exhibit A
N-92398
Page 11 of 15

disturbance or disturbance on land not considered to be tortoise habitat are not assessed a tortoise remuneration fee. Remuneration fees will be used to fund management actions which are expected to benefit the desert tortoise. Actions may involve: Habitat acquisition; population or habitat enhancement or protection; research that increases our knowledge of desert tortoise biology, habitat requirements, or factors affecting habitat attributes; reducing loss of individual animals, documenting the species' current status and trend, and preserving distinct population attributes or any other action described in the Management Oversight Group's report titled *Compensation for the Desert Tortoise* (Hastey, et al. 1991) or Recovery Plan.

- e. Prior to issuance of the permit, right-of-way grant, lease (except R&PP leases), notice to proceed, or approval of any action to be covered under this biological opinion, and prior to any surface-disturbing activity associated with the proposed project, including R&PP leases, the project proponent shall pay a remuneration fee of \$568.00 for each acre of surface disturbance. This rate will be indexed for inflation based on the Bureau of Labor Statistics Consumer Price Index for All Urban Consumers (CPI-U) on January 31 of each year, beginning January 31, 1998. Fees assessed or collected for projects covered under this biological opinion after January 31st of each year will be adjusted based on the CPI-U. Information on the CPI-U can be found on the Internet at: <http://stats.bls.gov/news.release/cpi.nws.htm>. The CPI-U for 1996 was 3.3 percent, which was used to adjust fees assessed and collected in 1997. The rate of \$568.00 per acre of disturbance has been indexed for inflation for 1997 by increasing the previous rate of \$550.00 per acre, 3.3 percent (\$18).

This fee will be paid directly to the Desert Tortoise Public Lands Conservation Fund Number 730-9999-2315, administered by Clark County or any other administrator approved by the Bureau and Service. The administrator serves as the banker of these funds and receives no benefit from administering these funds. These funds are independent of any other fees collected by Clark County for desert tortoise conservation planning.

The payment shall be accompanied by the Section 7 Fee Payment Form, (Attachment B) and completed by the payee. The project proponent or applicant may receive credit for payment of such fees and deduct such costs from desert tortoise impact fees charged by local government entities. Payment shall be by certified check or money order payable to Clark County (or other administrator named by the Bureau and Service), and delivered to:

Clark County
Department of Administrative Services
500 South Grand Central Parkway, Sixth Floor
Las Vegas, Nevada 89155-1712

In addition, the form will be accompanied by a payment verification and delivered to:

Exhibit A

N-92398

Page 12 of 15

The Bureau of Land Management
Las Vegas Field Office
4765 West Vegas Drive
Las Vegas, Nevada 89108
Attn: Assistant District Manager, Non-Renewable
Resources

- f. Projects resulting in residual impacts will require the submission of a Bureau-approved reclamation plan, unless determined by the Bureau and Service that reclamation rehabilitation is not necessary. The reclamation plan will describe objectives and methods to be used, species of plants and/or seed mixture to be used, time of planting, success standards, and follow-up monitoring. Depending upon the size and location of the project, reclamation could simply involve recontouring, if necessary, and rehabilitation and restriction of access points or could involve reclamation over the entire area of surface disturbance.
14. Measures shall be taken to ensure compliance with the reasonable and prudent measures, terms and conditions, reporting requirements, and reinitiation requirements contained in the biological opinion.
- a. The project applicant shall notify the Bureau at least 10 days before initiation of the project. Notification shall be made to the Bureau's wildlife staff at (702) 647-5000.
 - b. The Bureau wildlife staff (702/647-5000) and Service (702/646-3499) must be notified of any desert tortoise death or injury due to the project implementation by close of business on the following work day.
 - c. All appropriate NDOW permits or letters of authorization shall be acquired prior to handling desert tortoises and their parts, prior to initiation of any activity which may require handling tortoise.
 - d. The project proponent must submit a document to the Bureau within 30 days of completion of the project showing the number of acres disturbed; remuneration fees paid; and number of tortoises taken, which includes capture and displacement, killed, injured, and harassed by other means, during implementation of programmatic actions.
 - e. For tortoise removals in Clark County, the applicant shall make prior arrangements with Clark County's tortoise pickup service (702/593-9027) at least 10 days prior to the commencement of tortoise collection. Outside Clark County, initial notification shall be made to the Bureau as stated above.

15. Holder shall construct, maintain, operate and/or modify structures and facilities as directed by the District Manager to protect and minimize adverse effects upon raptors and other wildlife.

16. Holder shall report wildlife fatalities, including raptor electrocutions, that are discovered or near project facilities.

17. During excavation, backfilling, and contouring, the disturbed soil should be wetted sufficiently in order to effectively reduce airborne dust and reduce soil erosion.

18. The Holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The Holder is responsible for consultation with the Authorized Officer and/or local authorities for acceptable weed control methods within limits imposed in the grant stipulations.

19. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the Holder shall obtain from the Authorized Officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application location of storage and disposal of containers and any other information deemed necessary by the Authorized Officer. The plan must provide the type and quantity of material to be used; the pest, insect, storage and disposal of containers; and other information that the Authorized Officer may require. The plan shall be submitted no later than December 1 of any calendar year that covers the proposed activities for the next fiscal year.

Pesticides shall not be permanently stored on public lands authorized for use under this grant/permit.

20. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an approved waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, construction waste, petroleum products, ashes and equipment.

21. Holder agrees to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601, et seq. or the Resource Conservation and Recovery Act, 42 U.S.C. 6901, et seq.) on this right-of-way. This agreement applies without regard to whether a release is caused by the Holder/permittee, their agent, or unrelated third parties.

22. The Holder shall comply with all applicable Federal laws and regulations existing or hereafter enacted or promulgated. In any event, Holder/permittee shall comply with the Toxic Substances Control Act of 1976, as amended (15 U.S.C. 2601, et seq.) with regard to any toxic substances that are used, generated by or stored on the right-of-way or on facilities

authorized under this right-of-way grant (See 40 CFR, Part 702-799 and especially, provisions on polychlorinated biphenyls, 40 CFR 761.1-761.193.)

23. Holder shall report any release of hazardous substances (leaks, spills, etc.) in excess of the reportable quantity established by 40 CFR, Part 117 as required by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, Section 102b. A copy of any report required or requested by any Federal agency or State government as a result of a reportable release of spill of any toxic substances shall be furnished to the Authorized Officer concurrent with the filing of the reports to the involved Federal agency or State government.

24. Holder shall immediately notify the Authorized Officer of any release of hazardous substances, toxic substances, or hazardous waste on or near the area authorized by this right-of-way.

25. Holder shall maintain the right-of-way in a safe, useable condition, as directed by the Authorized Officer. A regular maintenance program shall include, but is not limited to, soil stabilization.

26. Holder shall provide the Authorized Officer with a final as-built Arc/Info compatible export file or a corrected Global Positioning System survey file on a 3.5 DOS formatted diskette delineating the centerline of this linear right-of-way or boundary of the site use area. All files shall be in the NAD 27 datum and shall have the appropriate metadata delineating how the data were collected, when the data was collected, who collected the data, and other pertinent information. This information shall be submitted to the Assistant District Manager for Renewable Resources at the Las Vegas District of the Bureau of Land Management.

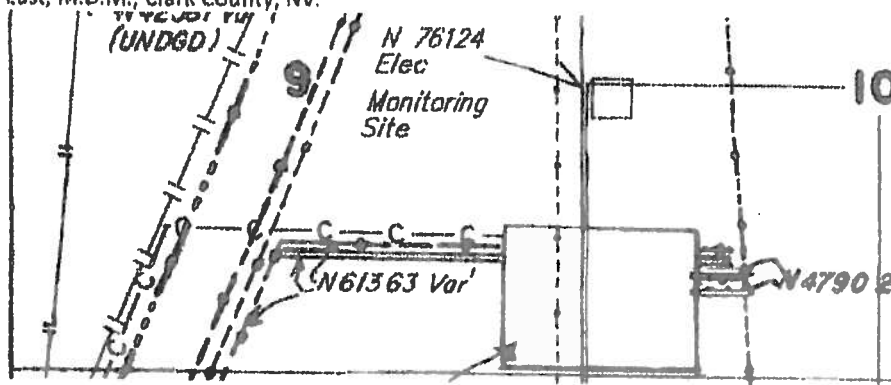
27. Subject to all valid and existing rights.

PL#62-2013

Transmission line loop-in formerly permitted under an amendment to N-4790

An existing transmission line loop-in from the existing transmission line currently permitted under N-4790, into NV Energy's existing Crystal Substation, which is currently permitted under N-61363, specifically within Section 10, Township 17 South, Range 64 East, all M.D.M., Clark County, NV, described as follows:

The Southwest Quarter of the Southwest Quarter (SW $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 10, both in Township 17 South, Range 64 East, M.D.M., Clark County, NV.



Length: Approximately 1,300-feet; Area: Approximately 11.9-acres

— Existing ROW

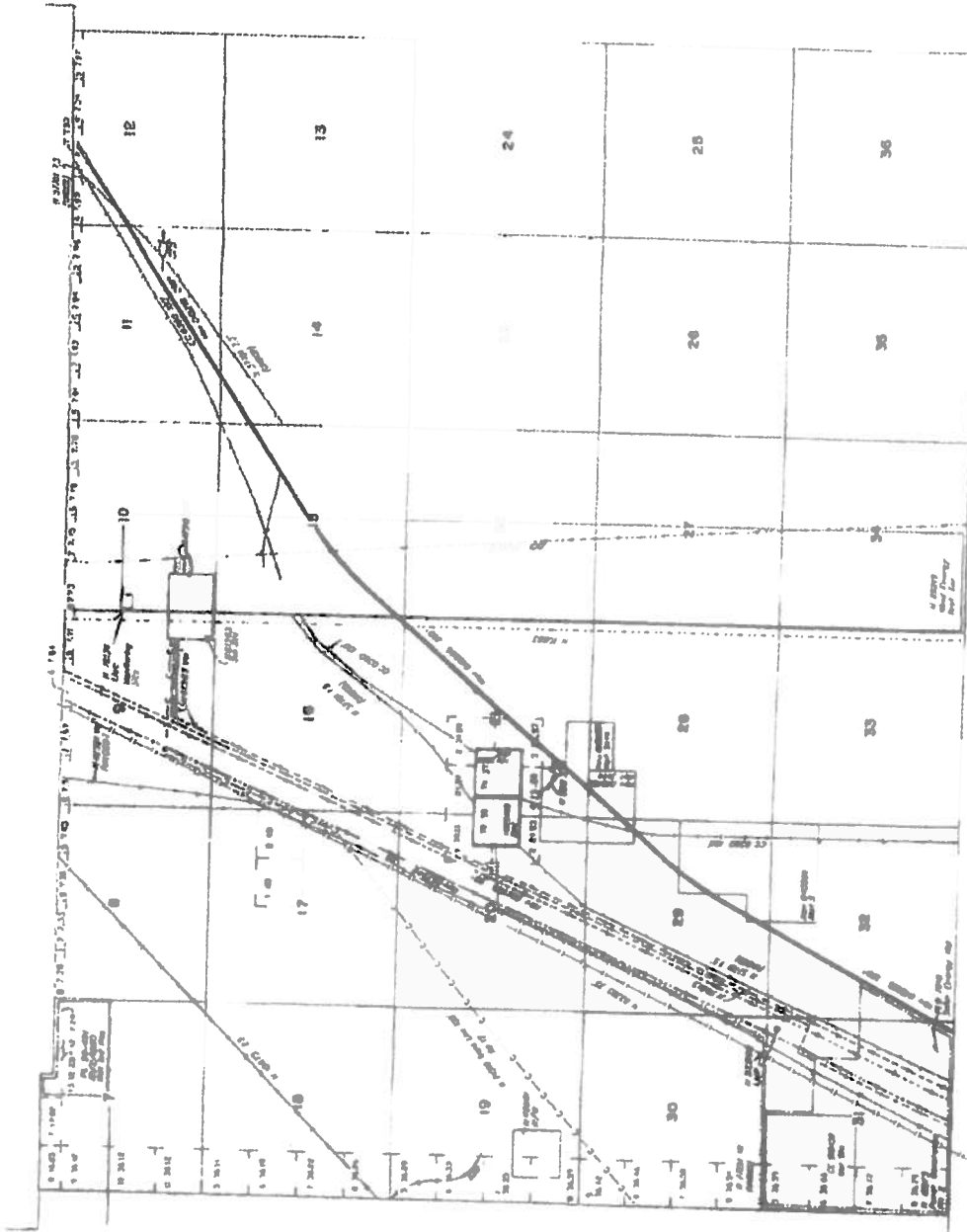
Exhibit B
N-92398

TOWNSHIP 17 SOUTH RANGE 64 EAST OF THE MOUNT DIABLO MERIDIAN, NEVADA
CLARK COUNTY
LAS VEGAS OR DIST

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES

MT PLAT

INDEX TO SEGREGATED TRACTS			
TRACT NO.	SECTION	TOWNSHIP	RANGE
1	1	17	64
2	2	17	64
3	3	17	64
4	4	17	64
5	5	17	64
6	6	17	64
7	7	17	64
8	8	17	64
9	9	17	64
10	10	17	64
11	11	17	64
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27	27	17	64
28	28	17	64
29	29	17	64
30	30	17	64
31	31	17	64
32	32	17	64
33	33	17	64
34	34	17	64
35	35	17	64
36	36	17	64



Existing ROW

Exhibit C
N-92398

TRACT NO.	SECTION	TOWNSHIP	RANGE
1	1	17	64
2	2	17	64
3	3	17	64
4	4	17	64
5	5	17	64
6	6	17	64
7	7	17	64
8	8	17	64
9	9	17	64
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31	31	17	64
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33	33	17	64
34	34	17	64
35	35	17	64
36	36	17	64

Scale 1:250,000

NOTED: This map is a reproduction of the original map of the Mount Diablo Meridian, Nevada, and is not a survey. It is intended for informational purposes only. The map is based on the original map of the Mount Diablo Meridian, Nevada, and is not a survey. It is intended for informational purposes only.



N-920
Y-17S
R-64E